# Crown Employees Grievance Settlement Board

## ANNUAL REPORT

## 2006-2007

## MESSAGE FROM THE CHAIR

Like most organizations, the strength of the Grievance Settlement Board (GSB) lies in its human resources. The Board provides its adjudication and mediation services through part-time Vice Chairs, and competes with the private sector for their services. This year, the per diem compensation for Vice Chairs was increased, allowing the Board to retain and attract the services of talented labour relations neutrals.

Two new Vice Chairs were appointed during the past fiscal year, Michael Lynk and Stephen Raymond. Stephen is a former Vice Chair of the Ontario Labour Relations Board and is an experienced arbitrator and mediator. Michael is a professor of law at the University of Western Ontario, as well as an arbitrator and mediator, with a special expertise in accommodation issues.

The Board continues to provide its services to the parties and the public in the most expeditious manner possible. We have continued with refinements to our case management system and completed a project to make our decisions accessible without cost through the Canadian Legal Information Institute (CanLII,), a non-profit organization managed by the Federation of Law Societies of Canada.

Through Governance Council, the Board works to ensure that its processes are effective and responsive to the needs of the parties. A new rule relating to interim relief applications was developed with the parties to expedite that process.

The Board continued to work proactively with the Ministry of Community Safety and Correctional Services (MCSCS) and the Ontario Public Service Employees Union (OPSEU) to reduce disputes and provide expedited dispute resolution in correctional facilities. The second of two educational sessions involving local union and local management representatives took place early in the past fiscal year. The dispute resolution protocol was implemented and the Board was involved in its ongoing evaluation.

As noted at the outset of these remarks, the strength of the Grievance Settlement Board lies in its human resources. In addition to the talents of the Vice-Chairs, the Board is extremely fortunate to have the services of its staff. Our six person staff enjoys an enviable reputation for its efficiency, courtesy and high standards of service. It is an honour to be associated with the staff and Vice Chairs of the Board and through them, work to provide the best possible dispute resolution services to the parties that we serve.

Susan L. Stewart, Chair
June 2007

## TABLE OF CONTENTS


1. GSB MANDATE ..... 4

2. HUMAN RESOURCES ..... 5

3. OVERVIEW OF ACTIVITIES ..... 15

APPENDIX A - OUTCOME PERFORMANCE MEASURE REPORTED TO MBS ..... 17

APPENDIX B - PERFORMANCE MEASURES ..... 18

APPENDIX C - BUDGET ..... 19

4. GOVERNANCE COUNCIL ..... 20

5. PARTNERSHIP AGREEMENT ..... 21

6. FRAMEWORK FOR THE APPOINTMENT AND RE-APPOINTMENT OF VICE CHAIRS ..... 24

# 1. GSB MANDATE

The Grievance Settlement Board (the "Board") was established by section 20 of the *Crown Employees Collective Bargaining Act, 1972, S.O. 1972, c.67* and is continued by section 46 of the *Crown Employees Collective Bargaining Act, 1993, S.O. 1993, c.3 8*, as amended by S.O. 1995, c. I (CECBA).

The Board exercises the powers and performs the duties conferred upon it by the CECBA. Subsection *7(3)* of the CECBA provides that:

> **7.** (3) Every collective agreement relating to Crown employees shall be deemed to provide for the final and binding settlement by arbitration by the Grievance Settlement Board, without stoppage of work, of all differences between the parties arising from the interpretation, application, administration or alleged violation of the agreement including any question as to whether a matter is arbitrable. 1993, c.38, s.7 (3).

The Crown Employees' Grievance Settlement Board (GSB) is funded as a budget item of the Ministry of Labour. All costs directly related to dispute resolution are allocated to the parties and are recovered from them. The GSB staff provides services to the Public Service Grievance Board (PSGB). The PSGB adjudicates grievances filed by management/excluded Crown employees under Part V of Regulation 977 to the *Public Service Act*. Expenditures made on behalf of the PSGB are recovered and refunded to the GSB.

The Chair of the Grievance Settlement Board is a part-time salaried position appointed by Order-in-Council. The Registrar of the GSB is the most senior full-time civil servant at the GSB and reports to the Chair. The Registrar is directly responsible for all administrative matters. The Chair and the Registrar are jointly responsible for policy matters.

The GSB has entered into partnership agreements with its client group to fully implement the requirements of the *Crown Employees Collective Bargaining Act*. The partnership agreement provides for a Governance Council (see page 19). As a result of the partnership agreement, some of the governance is determined by decisions made and minuted at the Governance Committee meetings, resulting in accountability to the client group with respect to some GSB administration and policy issues.

The Grievance Settlement Board is an adjudicative agency and is viewed by its clientele to have independence and neutrality. The GSB's independence is preserved by its physical location, separate from government agencies other than the PSGB and by virtue of the fact that the GSB uses adjudicators who are prominent and well respected in the private sector labour relations community.

The obligation of the Board is to provide dispute resolution services and work with the parties to improve labour relations within the Ontario Public Service. The Board provides timely, concise decisions resulting in consistent advice and guidance to the parties in the settlement of specific disputes.

# 2. HUMAN RESOURCES

## LIST OF APPOINTEES – GRIEVANCE SETTLEMENT BOARD

| Name | OIC Appointment | Date of Initial Appointment | Expiry Date of Current Appointment |
|---|---|---|---|
| | | | |
| Susan Stewart | Chair | 15-Mar-01 | 14-Mar-08 |
| Randi Abramsky | Vice-Chair | 09-Jul-96 | 31-Mar-08 |
| Jules Bloch | Vice-Chair | 01-Sep-99 | 31-Aug-08 |
| Felicity Briggs | Vice-Chair | 16-Feb-94 | 31-Mar-08 |
| Richard Brown | Vice-Chair | 18-Jun-97 | 31-Mar-08 |
| Joseph D. Carrier | Vice-Chair | 06-May-99 | 05-May-08 |
| Reva Devins | Vice-Chair | 28-Apr-04 | 27-Apr-08 |
| Nimal V. Dissanayake | Vice-Chair | 10-Dec-87 | 30-Jun-08 |
| Barry Fisher | Vice-Chair | 06-May-87 | 31-Mar-08 |
| Owen V. Gray | Vice-Chair | 23-Oct-91 | 31-Mar-08 |
| Daniel A. Harris | Vice-Chair | 16-Dec-98 | 15-Dec-07 |
| Bram Herlich | Vice-Chair | 16-Dec-98 | 15-Dec-07 |
| Ian A. Hunter | Vice-Chair | 16-Dec-98 | 15-Dec-07 |
| Richard L. Jackson | Vice-Chair | 16-Dec-98 | 15-Dec-07 |
| Janice D. Johnston | Vice-Chair | 01-Sep-99 | 31-Aug-08 |
| Brian Keller | Vice-Chair | 19-Mar-03 | 18-Mar-09 |
| Belinda Kirkwood | Vice-Chair | 14-Jan-87 | 21-Apr-08 |
| Gerry Lee | Vice-Chair | 06-May-99 | 05-May-08 |
| Deborah Leighton | Vice-Chair | 09-Jul-96 | 21-Apr-08 |
| Michael Lynk | Vice-Chair | 06-Dec-06 | 05-Dec-08 |
| Loretta Mikus | Vice-Chair | 16-Feb-94 | 31-Mar-08 |
| Marilyn A. Nairn | Vice-Chair | 31-Oct-01 | 30-Oct-07 |
| Kenneth Petryshen | Vice-Chair | 11-Jun-97 | 31-Mar-08 |
| Stephen Raymond | Vice-Chair | 06-Dec-06 | 05-Dec-08 |
| Maureen Saltman | Vice-Chair | 01-May-80 | 31-Mar-08 |
| Barry Stephens | Vice-Chair | 28-Apr-04 | 27-Apr-08 |
| Mary Lou Tims | Vice-Chair | 06-Oct-99 | 05-Oct-08 |
| Michael V. Watters | Vice-Chair | 29-Jul-87 | 30-Jun-08 |

# ORDER IN COUNCIL APPOINTMENTS

## CHAIR

SUSAN STEWART

Susan Stewart attended law school at Queen's University and was called to the bar in 1981, after articling with the Ontario Labour Relations Board. She commenced her arbitration practice in 1988. Between 1986 and 1994 Susan served as a part-time Vice Chair of the Workers' Compensation Appeals Tribunal. She was an executive member of the provincial Labour Section of the Canadian Bar Association between 1995 and 1998, serving as its Chair for the 1997-1998 term. She served a three-year term as a member of the executive of the Ontario Labour-Management Arbitrators' Association and is a member of the National Academy of Arbitrators. Susan currently serves as a permanent arbitrator under a number of Collective Agreements. She has assisted in the training of new arbitrators through the Ministry of Labour's Arbitrator Development Program. She was first appointed as a Vice Chair of the Grievance Settlement Board in 1989. Susan was appointed as the Chair in March 2001.

## VICE CHAIRS

RANDI ABRAMSKY

Randi Abramsky is a full-time Arbitrator and Mediator. She initially served as a Grievance Settlement Officer with the GSB (1992-1996) and then became a Vice Chair in 1996. She also served as a Labour Relations Officer and Vice Chair with the Ontario Public Service Labour Relations Tribunal and the Boards of Inquiry. When she is not working with the GSB, Ms. Abramsky engages in private sector arbitrations and mediations. She has taught labour law related courses and written in the field.

JULES B. BLOCH

Jules B. Bloch is an experienced, bilingual, mediator, arbitrator, facilitator, fact-finder, lecturer and trainer. Mr. Bloch graduated from the University of Toronto with his B.A. (Honours) in Political Economy in 1980. Mr. Bloch received his LL.B. from the University of Windsor in 1984 and was called to the Bar in 1986. After his call, he practiced law exclusively in the field of labour relations. In 1990 he was appointed full time Vice Chair of the Criminal Injuries Compensation Board (CICB). The following year he was appointed full time Vice-Chair of the Ontario Labour Relations Board (OLRB) and in that capacity, as a Vice Chair on the Construction Panel. (November 7, 1991 to September 1, 1999). He was appointed to the Grievance Settlement Board on September 1, 1999. Since January 1994, he has accepted work as a facilitator, mediator and arbitrator on a consensual basis. Mr. Bloch is currently a roster mediator, Ontario Mandatory Mediation Program Toronto/Ottawa. As well, Mr. Bloch has lectured extensively and acted as a trainer in the fields of labour relations and alternate dispute resolution. Mr. Bloch is a co-author of Canadian Construction Labour and Employment Law, (Butterworths: 1996).

FELICITY BRIGGS

Felicity Briggs was educated and worked as a nurse for six years. Felicity left hospital work for a position as a negotiator with the Ontario Nurses' Association, where she worked for 12 years, holding a variety of positions including Arbitration Officer and Manager of the Arbitration department. She left ONA and worked as a trade union consultant while enrolled in the Arbitrator Development Program, which she completed in 1991. Since being added to the Minister of Labour's List of Arbitrators, she held positions as a part-time chair/referee with the Office of Adjudication (as it then was) and as a Grievance Settlement Officer. She was appointed as a Vice Chair at the Grievance Settlement Board on February 16, 1994. She has acted as a Mediator and Chair of Rights Boards of Arbitration as well as Interest Arbitration.

RICHARD BROWN

Richard Brown began his career as a law teacher in 1977 and has taught labour law at universities in Canada and New Zealand. He started arbitrating part-time in British Columbia in 1978 and has practiced as a full-time arbitrator in Ontario since 1993. He is a former Vice Chair of the Ontario Labour Relations Board and a former part-time member of the Public Service Staff Relations Board. He was first appointed to the Grievance Settlement Board on June 18, 1997.

JOESPH D. CARRIER

Joseph (Joe) Carrier has been engaged as a full-time mediator/arbitrator since 1991. After graduating from Queen's Law School in 1969, he practiced corporate and commercial law for several years before joining Mathews Dinsdale & Clark, a management side law firm. After a brief interlude during which he was engaged in real estate development, he re-entered the labour field in 1991 as a mediator/arbitrator. He enjoys a consensual practice as well as assignments from the Labour Ministries of both Federal and Provincial Governments.

REVA DEVINS

Reva Devins is a private arbitrator and mediator. She is currently serving as a member of the Canadian Human Rights Tribunal and was appointed in April of 2004 as a Vice-Chair of the Grievance Settlement Board. Ms. Devins has been appointed as an arbitrator/mediator under several court supervised settlement plans including the Walkerton Compensation Plan, the UCC Claims Resolution Plan, and she is the Associate Chair of the panel of Arbitrators and Referees appointed under the 1986-90 Hepatitis C Class Action Settlement.

Ms. Devins also delivers training to members of statutory tribunals and has spoken and written in the area human rights and equality, the conduct of a hearing and the decision making process. She also sits on the Board of the Canadian Institute for the Administration of Justice and is Chair of the Administrative Tribunals Committee. Ms. Devins was called to the Bar of Ontario in 1985, and holds

degrees from York University (B.A.), Osgoode Hall Law School (LL.B.), and Harvard Law School (LL.M.).

## NIMAL V. DISSANAYAKE

A Vice Chair of the Grievance Settlement Board since 1987, Nimal Dissanayake is a lawyer and a former professor of Industrial Relations at McMaster University. He has also served as Senior Solicitor and Vice-Chair (part-time) of the Ontario Labour Relations Board. Since 1987 he has practiced full-time as arbitrator/adjudicator in relation to labour and employment disputes.

## BARRY FISHER

Barry B. Fisher graduated with a B.A. from the University of Toronto and LL.B. from Osgoode Hall Law School, and was called to the Bar in 1979. He is a member of Ontario Management Labour Arbitrators' Association. Mr. Fisher has been a labour arbitrator since 1988. He has served as a Vice-Chair of the Grievance Settlement Board since May 6, 1987. He is also an arbitrator under the Police Services Act, the Hospital Labour Disputes Arbitration Act, and the Canada Labour Code. Mr. Fisher has received training as a mediator at the Academy of Mediation in Toronto, Harvard Law School and from ADR Associates in Washington, D.C. He has mediated many employment and labour disputes involving subjects such as: wrongful dismissal actions, sexual harassment, collective agreement interpretation, human rights issues, shareholders disputes arising from employment and the negotiation of collective bargaining agreements. In addition to his busy arbitration and mediation practice, he practices employment law. He is also the author of numerous articles on wrongful dismissal, mediation practice and labour arbitration. As well, he is the creator of the Wrongful Dismissal Database, a database containing over 2000 cases which is utilized by lawyers, judges and human resources professionals across Canada.

## OWEN GRAY

Owen Gray has the following degrees: Honours B.Sc. (Queen's University, 1971), LL.B. (University of Toronto, 1974), LL.M. (Alternative Dispute Resolution) (Osgoode Hall Law School 1998). He was called to the Ontario Bar in 1976. He completed the Arbitration and Mediation Institute of Ontario 40 hour Generic Mediation Skills course in October 1991. Since 1990 he has been a self-employed, full-time arbitrator, arbitrator-mediator and mediator in labour, employment and related disputes, including disputes under collective agreements in the public and private sectors, interest disputes, complaints of unjust dismissal under the Canada Labour Code and wrongful dismissal disputes diverted by the parties from the courts to arbitration or mediation. He has been a Vice Chair of the Ontario Crown Employees Grievance Settlement Board (part-time) since 1991. He was previously Vice Chair, Ontario Labour Relations Board (1983-1990 full-time, 1990-1993 part-time) and Employment Standards Referee (1990-1992, ad hoc). He practiced law from April 1976 to October 1983 with a Toronto law firm (McTaggart, Potts, Stone & Herridge), advising clients about and representing them in commercial, corporate, construction, land use, employment, labour relations, family and other disputes before courts and administrative tribunals. He is currently a member of the Ontario Labour-Management Arbitrators' Association, the Arbitration and Mediation Institute of

Ontario, the Law Society of Upper Canada, and the Canadian Bar Association (Past Chair, CBAO Administrative Law Section).

DANIEL A. HARRIS

Dan was called to the Bar in 1983, following which he served a one-year appointment as a Law Clerk to the Chief Justice of the High Court of Justice, Province of Ontario. He practiced litigation and administrative law from 1984 to 1991, handling matters before numerous tribunals and levels of the Courts. Dan has been a full-time labour arbitrator since 1992, hearing interest and rights matters in both the private and public sectors. He has also served as an adjudicator for the Ontario Motor Vehicle Arbitration Plan, the Office of Adjudication (Employment Standards Appeals), and the Workers' Compensation Appeals Tribunal. He has served as a Vice Chair of the Grievance Settlement Board since December 16, 1998.

BRAM HERLICH

Bram Herlich has B.A (1972) and M.A (1977) degrees from McGill University (English and Communications). After several years as a CEGEP professor and union representative in Montreal, he enrolled in law school and graduated from Osgoode Hall in 1982. After graduation he held a number of positions including Arbitration Officer with the Ontario Nurses' Association and Associate with the firm of Cavalluzzo, Hayes and Lennon (as it then was). In 1989 he was appointed a Vice-Chair of the Ontario Labour Relations Board. In 1996 he was appointed as a Referee/Adjudicator under the Employment Standards Act and an Adjudicator under the Occupational Health and Safety Act. He was appointed a Vice-Chair of the Grievance Settlement Board in 1998 and is currently hearing and mediating cases at the GSB and at private arbitration.

IAN HUNTER

Ian Hunter holds degrees in political science (1966) and law (1969) from the University of Toronto. He has taught at several Canadian Universities and has been a Visiting Scholar at Wolfson College, Cambridge. From 1974 to 1996 he was Professor of Law at the University of Western Ontario where, in 1983, he was awarded the gold medal for teaching excellence. Professor Emeritus since 1996, he is President of Hunter Arbitration Services. Since 1974, Professor Hunter has acted as mediator or arbitrator in more than four thousand cases. He is the author of seven books and more than fifty law review articles. He was first appointed to the Grievance Settlement Board on December 16, 1998.

RICHARD JACKSON

Professor Jackson is Associate Dean and Professor of Industrial Relations at the Queen's School of Business. He acts as an arbitrator and mediator in labour disputes under the Labour Relations Act and Police Services Act and has been a Vice Chair of the Grievance Settlement Board since December 1998. He has considerable experience in the education and police sectors. His publications include Fact Finding Under The School Boards and Teachers Collective Negotiations Act, Conflict and Co-operation in Police Labour Relations, and contributions to Canadian Labour Relations: Readings and

Cases, Labour Arbitration Yearbook, Public Sector Collective Bargaining in Canada, and the Canadian Police College Journal.

JANICE JOHNSTON

Ms. Johnston graduated from Wilfred Laurier University with a B.A. in history and received her law degree from the University of Western Ontario. She was called to the Bar in 1981. She worked in the public and private sector as labour relations counsel before joining the Ontario Labour Relations Board as a Vice Chair in 1990. In 1999 she left the OLRB to pursue her career as a mediator/arbitrator. She is currently a part-time Vice Chair of the Grievance Settlement Board and has held that position since September 1, 1999. Ms. Johnston is a member of the Ontario Labour-Management Arbitrators' Association, the Toronto Area Industrial Relations Association and the Canadian Bar Association.

M. BRIAN KELLER

Brian Keller graduated from Sir George Williams University with a B.A. in Political Science and received his law degree from the University of Ottawa. He was called to the Bar in 1972. Mr. Keller is a bilingual adjudicator and mediator, was first appointed a Vice Chair of the Grievance Settlement Board in 1994 – 1998 and was re-appointed to the Board in March 2003.

BELINDA KIRKWOOD

Belinda Kirkwood has worked in the labour field as an arbitrator and mediator since 1979, having gained her first insight as an articling student with Hicks Morley Hamilton Stewart & Storie in 1976. She first worked for the Education Relations Commission as a fact finder and then after having received two intensive two and a half-day mediation training sessions also acted as a mediator. She has continued to work as an arbitrator and mediator in both interest and rights disputes. She has been a Vice Chair of the Grievance Settlement Board since 1987 was appointed to the Public Service Grievance Board, Classification Committee in 1992, has been on the Ontario Police Arbitration Commission since 1991 and has arbitrated as a result of appointment to the provincially appointed Arbitrators List since 1985 and been as an adjudicator under the Canada Labour Code since the 1980s. Her experience has been in both the private and public sectors in mining, manufacturing, health and education. She combined civil litigation and neutral labour work with Shiagbaum, Rabinovitch and Kirkwood from 1977 to 1985, Lang Michener from 1985 to 1989 and then left the partnership to act as a full time arbitrator/mediator.

GERRY LEE

Gerry Lee is a well-respected dispute resolution professional working in both the public and private sectors. His background in labour relations extends over 20 years including 10 years with the Ministry of Labour as a mediator. He is recognized by employers, unions and the legal community as a skillful, pragmatic and creative third party specializing in grievance mediation, med/arb, fact finding and facilitation, unjust dismissal, harassment and discrimination complaints, pay equity and occupational

health and safety disputes, analysis and design of conflict resolution systems and dispute resolution training. Mr. Lee was first appointed to the Grievance Settlement Board on May 6, 1999.

## DEBORAH LEIGHTON

Deborah J. D. Leighton is an Adjunct Professor in the School of Industrial Relations and a Research Associate in the Industrial Relations Centre. Ms. Leighton teaches courses in labour law and arbitration. She began to teach a module on mediation skills in the spring of 1998. Ms. Leighton designed the Advanced Arbitration Seminar for the Industrial Relations Centre, which ran for the first time in May 1998 and was very well received by participants. In her private practice Ms. Leighton does mediations and arbitrations of both commercial and labour disputes and is on numerous collective agreements as arbitrator and mediator-arbitrator. Recently she was selected by Air Canada and the Air Canada Pilots' Association to be on their expedited arbitration panel. She is a Vice Chair of the Public Service Grievance Board and of the Grievance Settlement Board, a position she has held since July 9, 1996. She is also a third party neutral for the College Relations Commission. Ms. Leighton did her first law degree at Hertford College, Oxford University, completed an LL.M. at the University of Texas at Austin, and a J.D. at Nova University in Florida. She is a member of the Florida Bar and the Law Society of Upper Canada.

## MICHAEL LYNK

Michael Lynk is an associate professor with the Faculty of Law, the University of Western Ontario, where he teaches labour and human rights law. Prior to becoming a professor, he practiced labour law in Toronto and Ottawa for a decade. Mr. Lynk is also an active labour arbitrator, and served as a Vice Chair with the Ontario Public Service Grievance Board (1995-1999) before joining the Ontario Grievance Settlement Board in 2006. He has written widely on the issues of labour law and human rights in the unionized Canadian workplace, and is a frequent speaker at industrial relations and labour law conferences across the country.

## LORETTA MIKUS

Loretta Mikus worked as a Registered Nurse from 1966 to 1974 and then went to ONA until 1981. Lorretta then returned to school in 1981 to get her law degree. She was called to the bar in 1986 and worked as an Arbitration Officer at the Ontario Nurses' Association until 1989 when she became the Assistant Director of Arbitration Services. In 1991 she was appointed as a Grievance Settlement Officer at the Grievance Settlement Board and was appointed as a Vice Chair at the Grievance Settlement Board on February 16, 1994. She has acted as Chair on interest and rights arbitration boards, including as a Chair under the collective agreement between the Ontario Council of Regents for Colleges of Applied Arts and Technology and OPSEU (Support & Academic), acted as a part-time adjudicator for Boards of Inquiry under the Ontario Human Rights Code and acted as part-time adjudicator at the Office of Adjudication under the Employment Standards Act.

MARILYN NAIRN

Marilyn Nairn is a graduate of University of Ottawa Law School and was called to the bar of Ontario in 1982. She then practiced law in Toronto and in 1987 accepted the position of counsel to the Ontario Labour Relations Board. In 1989 Marilyn was appointed Vice Chair of the Ontario Labour Relations Board, where she served until 2001. Marilyn has completed an advanced mediation course at Osgoode

Hall Law School and she is an experienced mediator and arbitrator. She has published and taught at both the college and university levels in the area of labour law. Marilyn has served on the executive of the Labour section of the Canadian Bar Association of Ontario. She was appointed to the Grievance Settlement Board in October 31, 2001.

KEN PETRYSHEN

Ken obtained an undergraduate degree from the University of Saskatchewan in 1972. He completed course work for a Master's degree in Political Science in 1973. In 1976, Ken obtained a law degree from Queen's University, where he was awarded the prize in Labour Relations in the Public Sector. He was called to the Bar in 1978 and practiced labour and administrative law until 1985, when he became solicitor of the Ontario Labour Relations Board. He served as a full-time Vice Chair of the OLRB between 1986 and 1994, when he became a part-time Vice Chair and commenced his arbitration and mediation practice. Ken was first appointed to the Grievance Settlement Board in 1997.

STEPHEN RAYMOND

Stephen Raymond is a full-time arbitrator and mediator. He is a graduate of the University of Western Ontario holding a B.A. (Political Science, 1986) and a LL.B. (1989). After his call to the Bar in 1991, he practiced law primarily in the fields of labour and employment law. In 2000, he was appointed as a Vice Chair of the Ontario Labour Relations Board. Since 2003, he has worked as a labour mediator/arbitrator and civil litigation mediator. His practice covers all types of disputes, including rights and interest, in both the public and private sector. He is a former executive of the Ontario Bar Association Labour Law Section and is a member of that section, the ADR section and the Ontario Labour Management Arbitrators Association.

MAUREEN SALTMAN

Ms Saltman is a labour arbitrator with 23 years of experience in labour relations, including mediation/arbitration and expedited arbitration, in both the private and public sectors dealing with rights and interest disputes. She is a permanent arbitrator on the lists for numerous companies and unions. Maureen Saltman is an approved arbitrator for the Ontario Ministry of Labour, Labour Canada and the Police Arbitration Commission. She also is an arbitrator/trainer for the Arbitration Development Program under the auspices of the Ontario Ministry of Labour. Ms Saltman is a graduate of the University of Toronto with a B.A. Honours in Psychology and a LL.B from Osgoode Law School and was called to the Ontario Bar in 1973. Ms Saltman has been a Vice Chair of the Grievance Settlement Board since May 1, 1980.

## BARRY STEPHENS

Barry Stephens has been a labour relations practitioner for more than twenty years. He started his career on the legal staff of CUPE, where he also worked as a union rep and educator. He went on to work for the Southern Ontario Newspaper Guild before becoming a labour relations consultant. In the latter role he worked with a number of unions throughout the province, mainly in grievance arbitration as nominee and counsel, where he developed an interest in mediation and arbitration. Prior to becoming a full time arbitrator he served as the senior labour relations advisor to the Air Canada Pilots Association. Barry has been working as a neutral adjudicator since September 2000 and was appointed to the Grievance Settlement Board as Vice Chair in April 2004.

## MARY LOU TIMS

Mary Lou Tims is a graduate of Queen's University (B.A. 1980, LL.B. 1983) and was called to the Bar in 1985. She practiced labour and employment law first in a Toronto law firm, and later as in-house counsel and as a solicitor for the OLRB. She has been a labour arbitrator and mediator since 1993, and has been a Vice Chair of the Grievance Settlement Board since October 1999.

## MICHAEL WATTERS

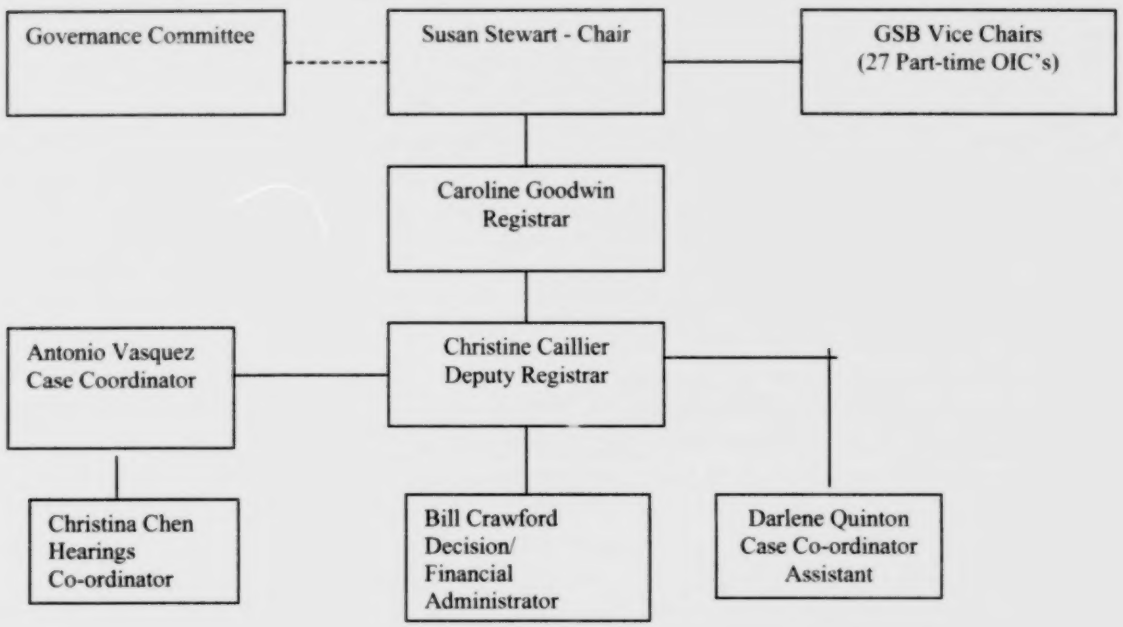
Michael Watters graduated from the University of Windsor with a B.A. Honours in History and a LL.B. Michael was called to the Ontario Bar in 1977. From 1975 to 1987 he was a sessional lecturer at the Faculty of Law, University of Windsor, in areas of Landlord and Tenant Relations; Law and Social Issues; Legal Research and Writing; and The Lawyering Process (interviewing, counseling and negotiating). Concurrently from 1977 to 1986 Michael had a general practice of law that included administrative, criminal and labour law matters. Since 1986, Michael has accepted appointments pursuant to the Labour Relations Act, the Hospital Labour Disputes Arbitration Act and the Canada Labour Code as a full-time arbitrator. Michael Watters has been a Vice Chair of the Grievance Settlement Board since 1987.

## THE REGISTRAR

CAROLINE GOODWIN

Caroline has in excess of 20 years as an administrator in the labour relations field. Caroline commenced her OPS career with the Grievance Settlement Board and has demonstrated her skills and knowledge in positions of progressive responsibility. She has broadened her horizons through secondments with the Ministry of Labour, Finance and Administration Branch; Human Rights Tribunal of Ontario and the Pay Equity Hearings Tribunal.

## Organization Chart – GSB



# 3. OVERVIEW OF ACTIVITIES

## GSB Mission Statement

To provide expeditious and appropriate dispute resolution services for grievances arising out of the collective agreements between Crown employers and bargaining agents representing Crown employees in order to resolve disputes and promote harmonious labour relations in the Ontario Public Service.

## Overview of Programs and Activities

The Grievance Settlement Board provides dispute resolution services to the Ontario Public Service and its unionized employees represented by Ontario Public Service Employees Union, Association of Management Administrative and Professional Crown Employees of Ontario and Professional Engineers Government of Ontario, as well as to the Liquor Control Board of Ontario and, the Workplace Safety and Insurance Board and the Canadian Union of Public Employees, the Metro and Ottawa Convention Centres and the United Steelworkers of America and Go Transit and the Amalgamated Transit Union and Unite Here Ontario Council, Local 75 and the Niagara Parks Commission.

## Grievance Settlement Board

| *TOTAL # OF GSB FILES FOR FISCAL 2004-2005* | | |
|---|---|---|
| **APRIL:** | 262 | 22.26 % decrease |
| **MAY:** | 354 | 29.67 % increase |
| **JUNE:** | 327 | 0.61 % decrease |
| **JULY:** | 367 | 21.12 % increase |
| **AUGUST:** | 335 | 12.53 % decrease |
| **SEPTEMBER:** | 404 | 34.22 % increase |
| **OCTOBER:** | 236 | 44.73 % decrease |
| **NOVEMBER:** | 435 | 14.47 % increase |
| **DECEMBER:** | 355 | 20.34 % increase |
| **JANUARY:** | 291 | 11.55 % decrease |
| **FEBRUARY:** | 287 | 12.23 % decrease |
| **MARCH:** | 356 | 1.71 % increase |
| **TOTAL:** | **4009** | 0.62 % decrease |
| *Average* | *334* | |

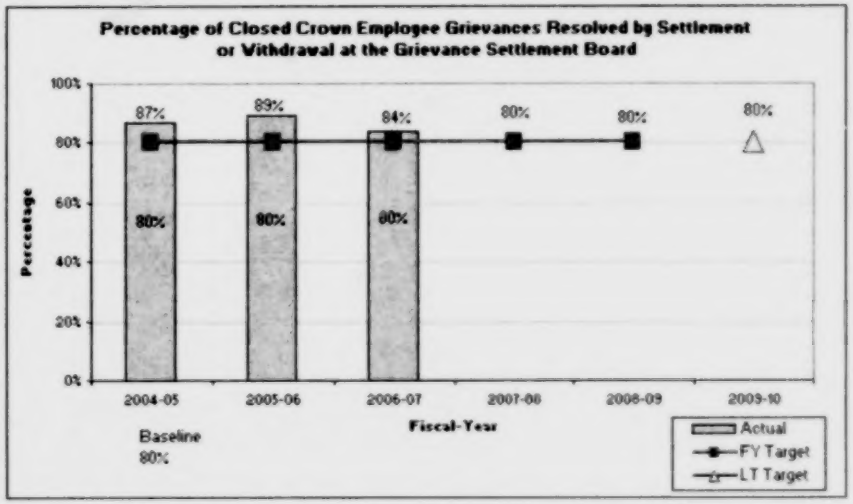
| *TOTAL # OF GSB FILES FOR FISCAL 2005-2006* | | |
|---|---|---|
| **APRIL:** | 369 | 40.84 % increase |
| **MAY:** | 418 | 18.08 % increase |
| **JUNE:** | 346 | 5.81 % increase |
| **JULY:** | 272 | 25.89 % decrease |
| **AUGUST:** | 219 | 34.63 % decrease |
| **SEPTEMBER:** | 269 | 33.42 % decrease |
| **OCTOBER:** | 262 | 11.02 % increase |
| **NOVEMBER:** | 335 | 22.99 % decrease |
| **DECEMBER:** | 266 | 25.07 % decrease |
| **JANUARY:** | 345 | 18.55 % increase |
| **FEBRUARY:** | 377 | 31.36 % increase |
| **MARCH:** | 393 | 10.39 % increase |
| **TOTAL:** | **3871** | 3.44 % decrease |
| *Average* | *323* | |

| *TOTAL # OF GSB FILES FOR FISCAL 2006-2007* | | | |
|---|---|---|---|
| **APRIL:** | 161 | 56.37% | decrease |
| **MAY:** | 308 | 26.32% | decrease |
| **JUNE:** | 414 | 19.65% | increase |
| **JULY:** | 225 | 17.28% | decrease |
| **AUGUST:** | 228 | 4.11% | increase |
| **SEPTEMBER:** | 230 | 14.50% | decrease |
| **OCTOBER:** | 294 | 12.21% | increase |
| **NOVEMBER:** | 197 | 41.19% | decrease |
| **DECEMBER:** | 189 | 28.95% | decrease |
| **JANUARY:** | 219 | 36.52% | decrease |
| **FEBRUARY:** | 353 | 6.37% | decrease |
| **MARCH:** | 319 | 18.83% | decrease |
| **TOTAL:** | **3137** | 18.96% | decrease |
| *Average* | *274* | | |

# APPENDIX A - OUTCOME PERFORMANCE MEASURE REPORTED TO MBS

Performance Measure: Percent of closed Crown employee grievances resolved by settlement or withdrawal.

**Percentage of Closed Crown Employee Grievances Resolved by Settlement or Withdrawal at the Grievance Settlement Board**




**Agency Contribution**

- Through the retention of highly skilled arbitrators/mediators and the proactive work of the Board with its clientele in resolving disputes through mediation rather than arbitration.

**Program/Activity Spending Measured**

- Provides effective and cost-efficient resolution of disputes within the OPS, which contributes to a productive, efficient and accountable workplace.

**What does the graph show?**

- The graph shows that for the current fiscal 84% of closed Crown employee grievances resolved by settlement or withdrawal at the GSB.
- The DATA Source is from the GSB Case Management System.

**2006-07 Commitment and Long-term Target**

- Maintain a commitment of 80% of closed cases by settlement or withdrawal

**2006-07 Achievement**

- The GSB achieved 84% of closed grievances were resolved by settlement or withdrawal.

# APPENDIX B - PERFORMANCE MEASURES

## 2006/2007 Performance Measures

| | Performance Measures | Standards/Targets | 2006/2007 Commitments | 2006/2007 Achievements |
|---|---|---|---|---|
| Grievance Settlement Board | Percent of grievances disposed of by settlement or withdrawn | 80% of grievances disposed of by settlement or withdrawn | 80% of grievances disposed of by settlement of withdrawn | 84% of grievances disposed of by settlement or withdrawn |
| | Timeliness of decisions released by the GSB | 90 % of decisions released within 90 days of completion of hearing. | 80% of all decision released within 90 days from the completion of hearing. | 92.6% of decisions released within 90 days of completion of the hearing. |
| | Percent of decisions judicial reviews upheld. | 100% of decisions upheld by the courts. | 100% of decisions upheld on judicial reviews. | Two decisions came down this fiscal. One decision was upheld at Divisional Court. The second decision was upheld at Divisional Court however, went on to the Court of Appeal where it was overturned. The commitment, therefore, was not met. |
| | | | | |

# APPENDIX C - BUDGET

## PUBLIC SERVICE APPEAL BOARDS - Financial Report for Annual Report – Fiscal Year 2006/2007

**All Figures in $000.0 thousand**

| | Printed Estimates | 2006/07 Actuals | Variance | % Variance |
|---|---|---|---|---|
| Salaries & Wages | 419.5 | 363.6 | 55.9 | *13%* |
| Benefits | 61.8 | 45.8 | 16.0 | *26%* |
| ODOE | | | | |
| Transp. & Comm. | 165.9 | 194.8 | (28.9) | *-17%* |
| Services (including lease) | 1,578.6 | 1,575.3 | 3.3 | *0%* |
| Supplies & Equipment | 24.1 | 12.8 | 11.3 | *47%* |
| **Total ODOE** | **1,768.6** | **1,782.9** | **(14.3)** | ***-1%*** |
| **Total Operating** | **2,249.9** | **2,192.3** | **57.6** | ***3%*** |
| *Recoveries* | *(965)* | *(954.6)* | *(70.4)* | *1%* |
| **Net Operating Budget/Exp.** | **1,284.9** | **1,237.7** | **(47.2)** | ***-4%*** |

| Non-Tax Revenue | NTR Estimates | 2006/07 Actuals | Variance | % Variance |
|---|---|---|---|---|
| Reimb - Employer Share | 150.0 | 92.0 | (58.0) | *39%* |
| Reimb – Union Share | 1,069.1 | 809.6 | (259.5) | *24%* |
| Non-Specified | 2.0 | 1.8 | (0.2) | *11%* |
| **TOTAL** | **1,221.1** | **903.4** | **(317.7)** | ***26%*** |

The actual expenditures of the Public Service Appeal Boards are 100% recoverable through journal entries issued to ministry (employer) clients recorded as EXPENDITURE REFUND; and through invoices issued to Unions and Crown Employers recorded as REVENUE.

**The revenue reported in 2005/06 was overstated, hence the accrual reversal of April 2006 impacted and understated the revenue reported in 2006/07

# 4. GOVERNANCE COUNCIL

Pursuant to Section 47 of the *Crown Employees Collective Bargaining Act* the Crown employers and the Unions representing Crown employees have entered into several agreements. The Governance Agreement establishes Governance Council to administer the agreement of the employers and the trade unions. The Chair of the Board serves as Chair of the Governance Council. The Governance Council, subject to CECBA, exercises the authority as provided for in the Governance Agreement. The Governance Agreement also establishes a sub-committee known as the Financial Advisory Committee to consider and review the financial and administrative costs of the Board.

> Subsection *47(1)* states that "Subject to the specific requirements in this section, the composition and administration of the Grievance Settlement Board shall be determined by the agreement of the Crown in right of Ontario and the trade unions representing Crown employees...".

For this purpose the Crown and the trade unions have entered into an agreement known as the "Partnership Agreement To Facilitate the Governance of the Grievance Settlement Board", hereinafter referred to as the "Governance Agreement", attached hereto "A Framework for the Appointment and Reappointment of Vice Chairs, also attached hereto, (hereinafter referred to as the "Appointment Agreement").

The mandate of the Governance Council is, in conjunction with the Chair, to discuss and determine the following:

(a) the administration of the Board, including all matters necessary for the fair, and expeditious resolution of disputes.
(b) the appointment of Grievance Settlement Officers,
(c) the appointment of Members, Vice-Chairs and a successor to the Chair in accordance with Section 47(4) of CECBA and the Appointment Agreement.
(d) the inclusion of other unions and employers who may, in the future, come within the jurisdiction of the Board.
(e) the creation and tasking of any sub-committee that may be necessary including the Financial Advisory Committee.
(f) Any other matters pertaining to the role and function of the Board which the parties feel is appropriate.

The Governing Council meets quarterly subject to the call of any special meetings in accordance with the Governance Agreement. The Financial Advisory Committee also meets quarterly, subject to the call of any special meeting in accordance with the Governance Agreement to consider and review the financial and administrative costs of the Board. The Financial Advisory Committee may make recommendations to the Governance Council.

The Governance Council makes its decisions based on consensus of the members. The Chair of the Board in his/her capacity as Chair of the Governance Council will try to achieve consensus of the members in the exercise of the Council's decision-making powers, where possible. In the absence of a consensus, the Chair will determine the issue.

# 5. PARTNERSHIP AGREEMENT

## PARTNERSHIP AGREEMENT TO FACILITATE THE GOVERNANCE OF THE GRIEVANCE SETTLEMENT BOARD

The parties agree to the establishment of a Governance Council for the Grievance Settlement Board in accordance with the following framework and principles.

Further, the parties also agree to the establishment of a Financial Advisory Committee as here after described.

## SECTION 1
## The Governance Council

(1) The Governance Council (GC) shall in conjunction with the Chair of the GSB discuss and determine the following:

(a) all matters necessary for the fair, effective, and expeditious resolution of disputes.

(b) the appointment of Grievance Settlement Officers, Nominees and Vice Chairs in accordance with the policies set out for such appointments.

(c) the general administration of the Grievance Settlement Board.

(d) the incorporation of other employee organizations and employers who may, in the future, be added to the GSB including their cost share, representation, duties and responsibilities.

(e) the creation and tasking of any sub committees that may be necessary including the Financial Advisory Committee.

(f) any other matter pertaining to the role and function of the GSB which the parties feel is appropriate.

(2) The Governance Council shall be composed of an equal number of representatives from the Unions and the Employers. Notwithstanding this provision each Council member, at Council meetings, may be accompanied by such advisory persons as he/she may determine.

(3) The Governance Council shall meet quarterly, however any party may request a special meeting which shall be called by the Chair within ten (10) days of such request.

(4) The Chair or his or her designee shall ensure that the agenda for any Council meeting is sent to the parties no less than seven (7) days prior to the scheduled meeting date.

(5) The Chair or his or her designee shall ensure that the parties receive full disclosure of information relating to the agenda items to be discussed.

(6) The Chair or his or her designee shall ensure that the decisions and recommendations of the Council are recorded and that such minutes are distributed to the parties for review and correction.

(7) In the event that a vote be required for the resolution of matters under discussion such vote shall be conducted in accordance with the following:

(a) Each party shall have one (1) vote, however the votes cast shall be weighted in the following manner:

| EMPLOYERS | VTS | BARGAINING AGENTS | VTS | EMPLOYEES COVERED |
|---|---|---|---|---|
| Management Board (for OPS) | 89 | OPSEU | 89 | 45,000 |
| Management Board (for AMAPCEO) | 28 | AMAPCEO | 28 | 7,000 |
| LCBO | 24 | OLBEU | 24 | 6,000 |
| WSIB | 16 | CUPE - 1750 | 16 | 4,000 |
| GO Transit | 7 | ATU – 1587 | 7 | 1,000 |
| Metro Tor. Con. Cnt. | 6 | Labourers' (506)<br>Brewery,Professional And General Workers Union | 5<br>1 | 829<br>32 |
| Management Board (for PEGO) | 4 | PEGO | 4 | 450 |
| Ottawa Con. Cnt. | 4 | USWA (8327)<br>USWA (9597) | 3<br>1 | 350<br>12 |
| | 178 | | 178 | |

(b) For the passage of any matter which may result in a financial liability to the parties and/or the GSB a majority totaling at least sixty-six percent (66%), in accordance with the weighted points set out above, must exist within the Employer group (118 of 178), the Union group (118 of 178) and across the total Council (236 of 356).

(c) For the resolution of any other matter a majority totaling at least fifty-one percent (51%) shall be required, in accordance with the weighted points set out above, within the Employer group (91 of 178), the Union group (91 of 178) and across the total Council (182 of 356).

(d) In the event of a tied vote under (b) or (c) above, the Chair or his or her designee shall vote and the vote so cast shall decide the matter.

(e) To cast a vote a party must attend the meeting during which such vote is to be cast.

## SECTION 2
## The Financial Advisory Committee

(1) The parties agree that a Financial Advisory Committee (FAC) shall be established.

(2) The FAC shall be composed of an equal number of representatives from the Unions and Employers. Notwithstanding this provision each Committee member may be accompanied at Committee Meetings by such advisory persons as he/she may desire.

(3) The FAC shall consider and review the financial and administrative costs of the GSB. As the result of such review and consideration the Committee may make recommendations to the Governance Council.

(4) The FAC shall meet quarterly however any party may request a special meeting which shall be called by the Chair or his or her designee within ten (10) days of such request.

(5) The regular meetings of the FAC shall be scheduled at about the time that billings are issues by the GSB to the parties.

(6) The Chair or his or her designee shall ensure that the agenda for any FAC meeting is sent to the parties no less than seven (7) days prior to the scheduled meeting date.

(7) The Chair or his or her designee shall ensure that the parties receive full disclosure of information relating to the agenda items.

(8) The Chair or his or her designee shall ensure that the decisions and recommendations of the FAC are recorded and that such minutes are distributed to the parties for review and correction.

# 6. FRAMEWORK FOR THE APPOINTMENT AND RE-APPOINTMENT OF VICE CHAIRS

***GOVERNANCE COUNCIL***

**FRAMEWORK FOR THE APPOINTMENT AND REAPPOINTMENT OF VICE CHAIRS**

The following policy shall be adopted by the parties to facilitate the orderly appointment and reappointment of Vice Chairs to the Grievance Settlement Board.

## GENERAL

(1) The Grievance Settlement Board shall retain a sufficient roster of Vice Chairs to permit the timely adjudication of grievances submitted by the parties.

(2) The Chair of the Grievance Settlement Board shall, in accordance with the following framework, assure that the necessary number of Vice Chairs are included on the Grievance Settlement Board roster.

(3) Nothing in this framework prevents parties, on an informal basis, from the preferential use of particular Vice Chairs. Such preferences shall be accommodated whenever possible by the Registrar and staff of the Grievance Settlement Board. The parties must, in advance indicate their preference(s) to the Registrar.

## APPOINTMENT PROCEDURE

(1) The Chair of the Grievance Settlement Board, on an annual basis (date to be established) shall assess the roster with the view to retaining an appropriate number of Vice Chairs on the roster.

(2) Should additional appointments be required the Chair shall:

a) review for the purposes of qualifications and suitability the resumes of any arbitrators who have formally indicated their interest in hearing Grievance Settlement Board grievances; who have been recommended by any of the parties; or who have been recruited by the Chair to complete the required roster,

b) present the appropriate arbitrator nominees to the members of the Governance Council at least thirty (30) days prior to the date upon which the matter of appointments is to be discussed, and

c) ensure that the resumes for each arbitrator nominee is included in such notice.

(3) Arbitrators so recommended shall be appointed provided a simple majority of votes approves the nomination on both the Union and the Employer side.

(4) The arbitrators so approved shall at the appropriate time, as determined by the Chair, have their names submitted to the Ministry of Labour for the processing of applicable Order-in-Council.

## REAPPOINTMENT PROCEDURE

(1) The Chair of the Grievance Settlement Board, prior to the expiration of the Order-In-Council appointment of an existing Vice Chair(s) shall review the performance of such Vice Chair(s) with the view to recommending his/her subsequent reappointment. The Chair in such review shall consider all relevant aspects of the Vice Chair's adjudicative performance.

(2) The Chair shall, on an ongoing basis, receive the comments of all parties as to the performance of existing Vice Chairs and shall consider such comments when making his recommendation to reappoint. The Chair shall also discuss the concerns of parties with such Vice Chair(s) during the period of his/her Order-In-Council appointment so as to resolve any such concerns. The parties acknowledge an obligation to discuss their concerns with the Chair in a timely manner.

(3) The Chair shall recommend reappointment unless cause exists to deny such recommendation.

(4) The Chair shall present his/her recommendation to the members of the Governance Council at least thirty (30) days prior to the date upon which the matter of reappointments is to be discussed.

(5) Vice Chairs so recommended shall be reappointed unless a simple majority of votes on either the Union and the Employer side opposes such reappointment.

(6) It is understood that the Chair should assess Vice Chairs for reappointment in advance, so that sufficient reappointments can be processed on an annual basis for the coming year.

The parties to the Grievance Settlement Board agree to the above stated policy effective June, 1999.

*FOR THE EMPLOYERS*

_____

_____

_____

_____

*FOR THE UNIONS*

_____

_____

_____

_____